

USDC SDNY <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: DATE FILED: <u>3/14/19</u>
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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,  
Government,

-against-

REZA ZARRAB,  
Defendant.

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**ORDER**

15 **CR.** 867 (RMB)

Having reviewed the record herein, including without limitation two letters, one dated September 24, 2018 and the other dated November 1, 2018, from Razi Canikligil, the Hurriyet (Turkish) newspaper Bureau Chief, and a third letter, dated September 13, 2018, from Ben Weiser, New York Times reporter, requesting unsealing and/or redaction of documents which have been filed in this case under seal, the **Court respectfully denies these letter requests, as follows:**

1- The Court is responding to the three letters without waiving any obligation third parties may have to seek intervention and/or to file motions or applications in a criminal case, supported by authorities. See United States v. Aref, 533 F.3d 72, 81 (2d Cir. 2008) (“The Federal Rules of Criminal Procedure make no reference to a motion to intervene in a criminal case . . . However, such motions are common in this Circuit to assert the public’s First Amendment right of access to criminal proceedings.”).

2- The Court is fully supportive of the public’s interest in and access to criminal judicial proceedings. See Nixon v. Warner Communications, 435 U.S. 589 (1978); Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006). The Court is also aware that the First Amendment right of access to criminal proceedings is not absolute. United States v. Park, 619



F.Supp.2d 89 (S.D.N.Y. 2009).

3- The Court has made specific findings in support of sealing in this case. These findings were entered on the docket under seal. See United States v. Aref, 533 F.3d 72 (2d Cir. 2008).

Dated: New York, New York  
March 14, 2019

Handwritten signature of Richard M. Berman in black ink, consisting of the letters 'RMTB' in a stylized, cursive-like font.

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**RICHARD M. BERMAN, U.S.D.J.**